

## REMARKS

In the Office Action mailed April 2, 2008 (hereinafter "Office Action"), Claims 5 and 12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 3-15 and 22-25 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,196,920, issued to Spaur et al. (hereinafter "Spaur"). Claims 3-7 and 9-15 were alternatively rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,036,601, issued to Heckel (hereinafter "Heckel"). Claims 8, 23, and 24 were alternatively rejected under 35 U.S.C. § 103(a) as unpatentable over Heckel in view of U.S. Patent No. 6,616,533, issued to Rashkovskiy (hereinafter "Rashkovskiy").

Applicants respectfully traverse these rejections, but have amended the claims in order to further advance prosecution of the current application. Claims 3-15 and 22-25 have been canceled. Claims 26-43 are newly added. Claims 26-43 are currently pending in the application. Applicants have carefully considered the issues raised in the Office Action and request reconsideration and allowance of the claims in view of the remarks set forth below.

### Patentability of Claims 5, 12, and 23 over 35 U.S.C. § 112, Second Paragraph

The Office Action rejected Claims 5 and 12 as unpatentable over 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully disagree with the grounds of the rejection. However, since applicants have canceled Claims 5 and 12, applicants respectfully submit that these rejections are now moot, and request withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

### Patentability of Independent Claims 26, 37, 42, and 43

The Office Action rejected independent Claims 3, 9-11, 14, 15, and 25 under 35 U.S.C. § 102(e) as anticipated by Spaur. The Office Action also rejected independent

Claims 3, 9-11, 14, and 15 as anticipated by Heckel. Applicants respectfully disagree with these rejections, but have nevertheless canceled Claims 3, 9-11, 14, 15, and 25 to further advance prosecution of the present application. Therefore, applicants respectfully submit that the rejections of these claims are now moot, and request withdrawal of the 35 U.S.C. § 102(e) rejections with respect to these claims.

New Claims 26, 37, 42, and 43 are the remaining independent claims in the application. Applicants respectfully submit that Spaur, Heckel, and the rest of the cited patents and publications fail to teach, describe, or suggest the combination of claim features recited in these claims.

For example, new Claim 26 recites:

26. A computer-based method for dynamically incorporating advertisements into a video game defined by gaming code that is executing on a game client system, comprising:

while the gaming code is executing and the game is being played:

receiving over a network and storing on the game client system at least one advertisement, each advertisement having *a content and at least one advertisement attribute*;

detecting an advertising tag associated with a game object that is presented to a game player, wherein the advertising tag defines *criteria* for an advertisement to be associated with the game object;

determining, *by the game client system*, if an advertisement attribute of a stored advertisement matches one or more criteria defined by the detected advertising tag;

if it is determined that no stored advertisement has an advertisement attribute that matches one or more criteria defined by the advertising tag, transmitting a request for an advertisement having one or more advertisement attributes that match the criteria defined by the advertising tag; and

if it is determined that an advertisement attribute of a stored advertisement matches one or more criteria defined by the advertising tag, inserting the content of the matching advertisement into the video game by presenting the content as part of the game object. (Emphasis added.)

Applicants respectfully submit that the cited patents or publications, either alone or in combination, do not teach, describe, or suggest the combination of features recited in new

Claim 26, including detecting an *advertising tag* associated with a game object that defines *criteria* for choosing and presenting an advertisement to a player, and an *advertisement* having a *content* and at least one *advertisement attribute* that is matched to the criteria *by the game client system* to determine whether the content of the advertisement should be inserted as part of the game object associated with the advertising tag. Even if Heckel or Spaur suggests an advertising tag that defines criteria or an advertisement having at least one advertisement attribute, which applicants expressly deny, applicants respectfully submit that neither Heckel nor Spaur teaches, describes, or suggests a matching of the criteria to the advertisement attributes that is done *by the game client system*.

Accordingly, applicants respectfully submit that Spaur, Heckel, and the remainder of the cited patents and publications fail to teach, describe or suggest the combination of features of new Claim 26, and that new Claim 26 is allowable. Further, applicants respectfully submit that new independent Claims 37, 42, and 43 recite features similar to those discussed above with respect to Claim 26, and are therefore allowable for at least the same reasons as Claim 26, as well as other reasons. Accordingly, applicants respectfully request allowance of Claims 26, 37, 42, and 43.

#### Patentability of Dependent Claims 27-36 and 38-41

New Claims 27-36 depend from Claim 26. New Claims 38-41 depend from Claim 37. Applicants respectfully submit that these claims are allowable at least by virtue of these dependencies, as well as by virtue of the additional claim features set forth therein.

For example, applicants respectfully submit that the cited patents and publications fail to teach, describe, or suggest the combination of features recited in new Claims 27, 28, and 29, which depend from Claim 26 and further describe the criteria defined by the advertising tag. For instance, Claim 27 recites a criterion defining an *age group*, Claim 28 recites a criterion defining

a *genre* which indicates a *desired subject matter* for the advertisement, and Claim 29 recites criterion defining a *type* which indicates a *desired format for the content* of the advertisement.

As a further example, applicants respectfully submit that the cited patents and publications fail to teach, describe, or suggest the combination of features recited in new Claim 35 and 41, including collecting quality data representing the manner and duration of the insertion of the content into the game as presented to the game player, wherein the quality data comprises a *hit count*; and wherein the hit count is *calculated by*: (1) *measuring a time for which* and a *screen size at which* the content is presented; and (2) *incrementing the hit count if the time of screen size meet a threshold amount*.

As yet another example, applicants respectfully submit that the cited patents and publications fail to teach, describe or suggest the combination of features recited in new Claims 32 and 38, including a game client system connected over a network connection to an advertising server, wherein the game client system and the advertising server *continuously* communicate.

Also, applicants respectfully submit that the cited patents and publications fail to teach, describe, or suggest the combination of features recited in amended Claim 36, including modifying *an interactive game behavior* of a game object.

Accordingly, applicants respectfully submit that Claims 27-36 and 38-41 are allowable, and request withdrawal of the rejections and allowance of the claims.

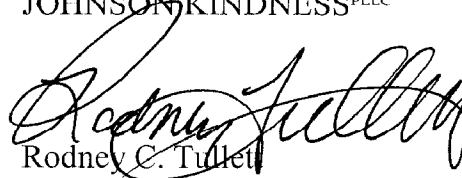
### CONCLUSION

In view of the foregoing amendments and remarks, applicants submit that Claims 26-43 are in condition for allowance over the cited and applied patents and publications, and

respectfully request reconsideration and allowance of the same. The Examiner is invited to contact applicants' attorney at the number provided below to resolve any issues that may arise in order to advance prosecution of this application.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

A handwritten signature in black ink, appearing to read "Rodney C. Tullett", is written over the printed name.

Rodney C. Tullett

Registration No. 34,034

Direct Dial No. 206.695.1730

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